

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

LARCELLA ROBINSON

§

VS.

§

CIVIL ACTION NO. 1:14cv557

WARDEN F. LARA

§

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Larcella Robinson, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the petition be dismissed without prejudice based on petitioner's failure to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. Petitioner filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).


After careful consideration, the court concludes petitioner's objections should be overruled. Petitioner has failed to demonstrate he has exhausted all steps of the administrative remedy process. Accordingly, this action should be dismissed to allow petitioner to exhaust administrative remedies prior to the court addressing the merits of the petition. The dismissal of this action will be without

prejudice to petitioner's ability to re-file his claims in a separate petition after exhaustion of all administrative remedies.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the **3** day of **November, 2016**.



Thad Heartfield
United States District Judge